

# UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 15, 2021**

SEAN F. MCAVOY, CLERK

U.S.A. vs. Yahtin, Lavander Docket No. 0980 1:21CR02003-SMJ-1

## **Petition for Action on Conditions of Pretrial Release**

COMES NOW Arturo Santana, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Lavander Yahtin, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the Court at Yakima, Washington, on the 4<sup>th</sup> day of February 2021, under the following conditions:

**Special Condition #8:** Defendant shall submit to random urinalysis and breathalyzer testing as directed by the United States Probation/Pretrial Services Office to include carrying a device through Smart Start agency that will alert the defendant when he must give a Breathalyzer test. Testing is limited to six times per day and is to be set up and paid for by Defendant.

### **RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

**Violation #1:** Mr. Yahtin is considered in violation of his pretrial release conditions by consuming a controlled substance, marijuana, on or about September 16, 2021.

Conditions of release were reviewed and signed by Mr. Yahtin on February 4, 2021, acknowledging an understanding of his pretrial release conditions, including special condition number 8.

On February 5, 2021, Mr. Yahtin reviewed and signed the substance abuse testing instructions acknowledging his understanding of the urine testing program. He was instructed to call Merit Resource Services (Merit) color line system. When his designated color was called, he was to report to Merit and submit to a drug screen.

On September 16, 2021, Mr. Yahtin reported to Merit and underwent color line urinalysis (UA) testing. The on-site test result was presumptive positive for marijuana. Mr. Yahtin was asked by the UA collector if he had consumed marijuana; Mr. Yahtin denied any use.

On September 23, 2021, this officer spoke with Mr. Yahtin's substance abuse disorder counselor, Ms. Gibson, and she stated UA results confirmed Mr. Yahtin was positive for marijuana use. She stated to have confronted Mr. Yahtin and he admitted to having consumed marijuana and initially denied it because he was scared of what would happen with his pending court matter. Ms. Gibson encouraged Mr. Yahtin to contact this officer to discuss his relapse. Ms. Gibson also stated that Mr. Yahtin was doing really well with his outpatient groups and has made much progress from initially starting the program via Zoom virtual meetings. She stated once Mr. Yahtin was attending in-person groups, he did well, and continues to do so.

On September 29, 2021, this officer contacted Mr. Yahtin and confronted him on his drug use. This officer let him know this officer was aware of his relapse, hoped he would contact this officer as required and take initiative to discuss his violation behavior, but he did not. Mr. Yahtin stated he was disappointed in himself and was afraid of the consequences. Mr. Yahtin stated his relapse was a one time occurrence stemming from his girlfriend visiting him at home. He stated his girlfriend is a recreational marijuana user. Mr. Yahtin stated it would not happen again. He was instructed to continue to submit to random UA testing.

On October 4, 2021, this officer received a progress report for Mr. Yahtin; the report indicated he submitted to a random UA test to his counselor on September 28, 2021; the specimen was confirmed by laboratory testing as negative for drug use. On September 29, 2021, Mr. Yahtin underwent color line UA testing and results were negative for drug use.

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At this time, it appears that Mr. Yahtin's relapse was a one time incident. He has taken corrective action to regain compliance with his release conditions to include submitting two clean UA tests. Mr. Yahtin understands his behavior is inappropriate and further violation behavior may be cause for Court action.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed on: October 15, 2021

by s/Arturo Santana

Arturo Santana  
U.S. Pretrial Services Officer

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THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this  
petition with the other violations pending before the  
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

 

Signature of Judicial Officer

10/15/2021

Date